



November 1, 2005

INFORMATION REQUEST OR TRANSMITTAL NO. 05-04 Rev A

TO: Division Chief, Acquisition Management I Division
Division Chief, Acquisition Management II Division
Division Chief, Acquisition Management III Division
Division Chief, Administrative Services Division
Division Chief, Customer Relations Division
Division Chief, Acquisition and Property Management Division

FROM: David Sutfin
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SUBJECT: Department of Defense (DoD) Emergency Procurement Authorities

PURPOSE: This transmittal provides information on DoD policy that increased the procurement thresholds for the Hurricane Katrina relief efforts.

EFFECTIVE DATE:

Effective upon issuance and will remain in effect until canceled, amended or otherwise superseded.

SCOPE: This transmittal applies to all NBC/GovWorks acquisition personnel.

BACKGROUND AND DISCUSSION:

The DoD issued policy on September 2, 2005, authorizing the use of emergency procurement authorities in support of Hurricane Katrina relief efforts. The procurement thresholds were increased as follows:

1. Micro purchase threshold is increased to \$15,000 (FAR 13.201(g)(1)(i));
2. Simplified acquisition threshold is increased to \$250,000 (FAR 2.101);
3. Test program for commercial items threshold is increased to \$10 million (FAR 13.500(e)).

Contracting Officers may deviate from the requirements of DFARS 213.301(2)(i)(A) and (C) when using the Governmentwide Purchase Card to support Hurricane Katrina relief efforts. The acquisition must not exceed \$250,000 and contracting officers must comply with (1) all other requirements at DFARS 213.301(2)(i) and (ii); and with the applicable laws identified in Attachment 1 to this memorandum.

QUESTIONS OR CONCERNS REGARDING THE P&P:

The point of contact for this P&P is Chief, Policy Division (703) 787-1537.

Attachment 1: Applicable Laws for Acquisition of Commercial Items - DOD

ATTACHMENT 1

Hurricane Katrina Relief Efforts Applicable Laws for Acquisition of Commercial Items that do not Exceed the Simplified Acquisition Threshold

Oral certifications are acceptable, as long as the file is documented.

I. Buy American/Trade Agreements/Other Source Restrictions

Statute or Executive order (E.o.)	Threshold	Requirements	For more information see FAR/DFARS
Buy American Act (41 U.S.C. 10a-10d)	>\$15,000	Obtain oral certification that the supplies are domestic or qualifying country end products or document the file that domestic end products are unavailable at a reasonable price (< 50% more than foreign).	252.225-7000
Canadian Free Trade Agreement (FTA)	\$25,000 - \$58,550	If buying items listed at DFARS 225.401-70, obtain oral certification that the supplies are providing a U.S.-made product, or the products of Canada or a qualifying country, unless domestic end products are not available at a reasonable price.	252.225-7035
Other FTAs	\$58,550 - \$175,000	If buying items listed at DFARS 225.401-70, obtain oral certification that the supplies are U.S.-made product, or the products of an FTA or qualifying country, unless domestic end products are not available at a reasonable price.	252.225-7035
World Trade Organization-Government Procurement Agreement (WTO-GPA)	>\$175,000	If buying items listed at DFARS 225.401-70, obtain oral certification that the supplies are U.S.-made, or the products of a designated or qualifying country, unless domestic end products are not available.	252.225-7020

Various E.o.'s and 31 CFR Chapter 5		Do not buy products from Cuba, Iran, Libya, Sudan, or North Korea, or any entity or individual listed by the Office of Foreign Assets Control as Specially Designated Nationals or Blocked Persons	52.225-13
10 U.S.C. 2410i		If the offeror is a foreign person, company, or entity, obtain oral certification that the offeror does not comply with the Secondary Arab Boycott of Israel or knowingly take any action which 50 U.S.C. 2407(a) prohibits a U.S. person from taking.	252.225-7031

II. Application of Labor Laws.

Statute or Executive order (E.o.)	Threshold	Requirements	For more information see DFARS
41 U.S.C. 351 ,et seq	>2,500	Service Contract Act of 1965, As Amended applies to service contracts over \$2,500 that are subject to the Service Contract Act and will be performed in the United States.	52.215-15
E.O. 11246	>\$10,000	Obtain oral representation that the contractor complies with Equal Employment Opportunity (EEO), and has a written affirmative action program for each of its establishments.	222.804 52.222-26
38 U.S.C. 4212	>\$25,000	The contractor agrees to comply with Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans.	52.222-35
29 U.S.C. 793	>\$10,000	The contractor agrees to comply with Affirmative Action for Workers with Disabilities.	52.222-36
38 U.S.C. 4212	>\$25,000	The contractor agrees to comply with Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans	52.222-37

III. Small Business Programs

Statute or Executive order (E.o.)	Threshold	Requirements	For more info see DFARS
Small Business Act	>\$15,000	Follow the procedures at FAR Part 19 and DFARS Part 219 for acquisitions exceeding the micropurchase threshold. Document type of set aside, business size, and ownership status.	219

IV. Other compliances

Other compliances.	Obtain agreement from the contractor that it will comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.	
31 U.S.C. 1352 18 U.S.C. 431 40 U.S.C. 327, et seq. 41 U.S.C. 51-58 41 U.S.C. 265 49 U.S.C. 40118 41 U.S.C. 423	Obtain an agreement from the contractor that it will comply with 31 U.S.C. 1352 anti-lobbying legislation; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 3701, et seq., Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409 relating to whistleblower protections; 49 U.S.C. 40118, Fly American; and 41 U.S.C. 423 relating to procurement integrity.	52.212-4